

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CAUSE NO. 1:19-cr-00385-JRS-KMB
CORTEZ HOLLAND,) - 01
Defendant.)

REPORT AND RECOMMENDATION

On September 24, 2024, the Court held a hearing on the Petition for Warrant or Summons for Offender under Supervised Release filed on September 20, 2024, and order granting Petition on September 23, 2024. [Dkt. Nos. 86, 87.] Defendant, Cortez Holland appeared in person with his appointed counsel Dominic Martin. The government appeared by Zach Szilagyi, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Katherine Lindley.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant admitted violation number 1. Government orally moved to withdraw the remaining violation numbers 2 and 3, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	"You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner."

On May 18, December 18, 2023; February 8, March 14, and August 20, 2024; Mr. Holland submitted urinalysis samples that tested positive for cannabinoids. Mr. Holland also submitted urinalysis samples on May 21, and July 10, 2024, that tested dilute and positive for cannabinoids. Confirmation testing was requested for the samples submitted December 18, 2023; May 21, July 10, and August 20, 2024; all of which confirmed positive.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months' imprisonment.

5. The parties jointly recommended a sentence of 6 months imprisonment with no supervision to follow. Defendant requested placement at FCI Terre Haute, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 6 months imprisonment with no supervised release to follow. The Magistrate Judge recommends placement at FCI Terre Haute, Indiana. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 9/24/2024

Paul R. Cherry
Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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